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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,657

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Giuseppe Salice

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4240

6449

7590

02/05/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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WASHINGTON, DC 20005

EXAMINER

VOLZ, ELIZABETH J

ART UNIT

PAPER NUMBER

3781

NOTIFICATION DATE

DELIVERY MODE

02/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/595,657	Applicant(s) SALICE, GIUSEPPE	
	Examiner ELIZABETH VOLZ	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to the preliminary amendment filed on May 3, 2006. As directed by the amendment: claims 3, 4 and 8-10 have been amended, no claims have been cancelled, and no new claims have been added. Thus, claims 1-11 are presently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferrero (WO 93/00267).

4. Regarding Claim 1, Ferrero discloses a container 1 (Figure 1) comprising a first half-shell 2 (Figure 1) and a second half-shell 2 (Figure 1) which can be coupled mouth to mouth to form a closed container suitable for holding the gifts (Figure 1), characterized in that connection means 5 (Figure 2) are associated with each of the half-shells and can be mutually engaged in order to keep the two half-shells connected to one another.

5. Regarding Claim 2, Ferrero discloses connection means 5 (Figure 2) which connect the two half shells together (Figure 1).

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6. Regarding Claims 10 and 11, Ferrero discloses a package comprising a hollow body U (Figure 3), more specifically a chocolate egg (Page 6, Line 16), with a container 1 (Figure 3) inside.

7. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Vacakis (GB 2010221).

8. Regarding Claim 1, Vacakis discloses a container (Figure 1) comprising a first half-shell 1 (Figure 1) and a second half-shell 1' (Figure 1) which can be coupled mouth to mouth to form a closed container suitable for holding the gifts (Figure 1), characterized in that connection means 4 (Figure 2) are associated with each of the half-shells and can be mutually engaged in order to keep the two half-shells connected to one another.

9. Regarding Claim 3, Vacakis discloses a connection 4 (Figure 2) which comprises articulation means which permit a pivoting movement (Page 1, Lines 57-60).

10. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 5,551,589).

11. Regarding Claim 1, Nakamura discloses a container comprising a first half-shell 1 (Figure 3) and a second half-shell 2 (Figure 3) which can be coupled mouth to mouth to form a closed container suitable for holding the gifts (Figure 4), characterized in that connection means 3/4 (Figure 3) are associated with each of the half-shells and can be mutually engaged in order to keep the two half-shells connected to one another.

12. Regarding Claim 4, Nakamura discloses a connection means which are buckle-like comprising a male 3 (Figure 3) and a female element 4 (Figure 3).

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13. Regarding Claim 5, Nakamura discloses a male element 3 (Figure 3) which comprises a flexible tab 3a (Figure 3) extending from the periphery of the mouth of one half-shell and provided with an end projection 10a (Figure 3) and in which the female element comprises a bridge-like element 11 (Figure 3) integral with the side wall of the other half-shell, defining a slot in which the projection of the tab can be inserted (Figure 3).

14. Regarding Claim 6, Nakamura discloses a connection means comprising a male element 3 (Figure 3) integral with one half-shell and having a generally anchor-like configuration with resilient anchoring ends (Figure 3) and a female element 4 (Figure 3) formed by a bridge-like wall defining an open-ended slot (Figure 3) in which the male element can be inserted and in which the anchoring ends engage the walls delimiting the slot (Figure 4).

15. Regarding Claim 7, Nakamura discloses a male element 3 (Figure 3) comprising a pair of substantially parallel, resilient prongs 3a/3b (Figure 3) separated by a slot (Figure 3), wherein the female element comprises a guide rib (Figure 5) which can be inserted in the slot between the prongs and wherein the female element comprises projecting engagement means which can cooperate with the anchoring ends of the prongs to prevent removal of the male element from the female element (Figure 4).

16. Regarding Claim 8, Nakamura discloses a flexible tab 3a (Figure 3) connected to the periphery of the mouth of one of the half-shells, the other half-shell being capable of being superimposed on the end of the tab in the region of its connection to the respective half-shell, in the closed configuration of the container (Figure 4).

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17. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bezek et al. (U.S. Patent No. 2002/00081065,551,589).

18. Regarding Claim 1, Bezek et al. discloses a container comprising a first half-shell 110 (Figure 1a) and a second half-shell 100 (Figure 1a) which can be coupled mouth to mouth to form a closed container suitable for holding the gifts, characterized in that connection means 102 (Figure 1a) are associated with each of the half-shells and can be mutually engaged in order to keep the two half-shells connected to one another (Figure 1b).

19. Regarding Claim 9, Bezek et al. discloses a heat-shrinkable band 112 (Figure 1b) surrounding the connection region between the two half-shells.

20. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/Anthony D Stashick/
Anthony D Stashick
Supervisory Patent Examiner, Art
Unit 3781